In the High Court of Judicature at Madras

Dated: 22.12.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM

and

The Honourable Mr.Justice S.TAMILVANAN

Writ Petition No.11357 of 2001

C.Yegammai ..Petitioner

..vs..

1. State of Tamil Nadu,
   rep.by the Secretary to Government
   Housing & Urban Development Department,
   Fort St.George,
   Chennai-600 009.

2. Chennai Metropolitan
   Development Authority
   by its Member Secretary,
   No.8, Gandhi Irwin Salai,
   Egmore, Chennai-600 008. ..Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Declaration, declaring that the provisions of Rule 19(b)(III)(B) of the Development Control Rules and Rule 13 of the Special Rules for Multi-storied Building as ultra vires, illegal, unconstitutional and unenforceable in so far as it relates to levy and collection of security deposit for proposed development and consequently direct the respondents to issue planning permission for proposed development of Stilt + 4 floors residential building with 8 dwelling units at R.S.No.450/19, Block No.26 of Egmore Village in Door No.69 of Spur Tank Road, Chetpet, Chennai-31, without insisting on security deposit for proposed development as contained in the communication dated 14.06.2001 in Lr.No.B1/53226/2000 of the second respondent.

For Petitioner : Mr.Satish Parasaran

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For Respondents : Mr.K.Elango,
Spl.Govt.Pleader for R1

Mr.J.Ravindran for R2

ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

Learned counsel for the petitioner seeks permission to withdraw the above writ petition. He also made an endorsement to that effect in the writ petition. Accordingly, permission is granted and the writ petition is dismissed as withdrawn. However, it is made clear that the petitioner is free to challenge the provisions contained in Rule 19(b)(III)-(B) of the Development Control Rules, if need arises, at the appropriate time. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary to Government,
   Housing & Urban Development Department,
   Fort St.George,
   Chennai-600 009.
2. The Member Secretary,
   Chennai Metropolitan
   Development Authority
   No.8, Gandhi Irwin Salai,
   Egmore, Chennai-600 008.

+1cc to M/s. Satish Parasaran,Advocate Sr 64762
+1cc to M/s. J.Ravindran, Advocate Sr 64920
+1cc to Govt. Pleader Sr 65183

AVM (CO)
km/8.1.

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